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Report of the Committee on Relations with the Host Country

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Chapter I
Introduction

1. The Committee on Relations with the Host Country was established pursuant to General Assembly resolution 2819 (XXVI) of 15 December 1971. The General Assembly, by its resolution 61/41 of 4 December 2006, decided to include in the provisional agenda of its sixty-second session the item entitled "Report of the Committee on Relations with the Host Country". The present report is submitted pursuant to resolution 61/41.

2. The report consists of four chapters. The recommendations and conclusions of the Committee are contained in chapter IV.

Chapter II
Membership, composition, terms of reference and organization of the work of the Committee

3. The Committee is composed of 19 members, as follows:

Bulgaria	Iraq
Canada	Libyan Arab Jamahiriya
China	Malaysia
Costa Rica	Mali
Côte d'Ivoire	Russian Federation
Cuba	Senegal
Cyprus	Spain
France	United Kingdom of Great Britain and Northern Ireland
Honduras	
Hungary	United States of America

4. The Bureau of the Committee consists of the Chairperson, the three Vice-Chairpersons, the Rapporteur and a representative of the host country who attends Bureau meetings ex officio. During the reporting period, the Bureau was composed as follows:

Chairman:
H.E. Andreas D. Mavroyiannis (Cyprus)

Vice-Chairpersons:
Branimir S. Zaimov (Bulgaria)
Randy Kondo (Canada)
Marc-Aubin Banny — Guillaume Bailly-Niagri (Côte d'Ivoire)

Rapporteur:
Marcela Calderón (Costa Rica)

5. At its 234th meeting, the Committee was informed of the departure of Marc-Aubin Banny (Côte d'Ivoire), who had served as Vice-Chairman. The Committee elected Guillaume Bailly-Niagri (Côte d'Ivoire) by acclamation to fill the vacancy.

6. The terms of reference of the Committee were determined by the General Assembly in its resolution 2819 (XXVI). In May 1992, the Committee adopted, and in March 1994 slightly modified, a detailed list of topics for its consideration, which is set out in annex I to the present report. The Committee issued 13 documents during the reporting period (see annex II).

7. During the reporting period, the Committee held the following meetings: the 232nd meeting, on 5 March 2007; the 233rd meeting, on 9 July 2007; the 234th meeting, on 5 October 2007; and the 235th meeting, on 31 October 2007.

Chapter III
Topics dealt with by the Committee

A. Transportation: use of motor vehicles, parking and related matters

8. At the 232nd meeting, the Chairman introduced the results of the second review of the implementation of the Parking Programme for Diplomatic Vehicles conducted by the Secretariat in accordance with the Committee's decision at its 231st meeting. In this regard a questionnaire had been prepared by the Bureau and circulated to the permanent missions for their response. The Bureau, with the assistance of the Secretariat, compiled the results and conveyed them to the host country, which provided its comments thereon. The results of the review and the host country's comments were circulated to members of the Committee.

9. The representative of Mali welcomed the second review of the implementation of the Parking Programme, which his delegation had initiated. He was pleased that 66 Member States had responded to the questionnaire. He was concerned, however, that 71.2 per cent of the respondents felt that there was a difference in understanding between the missions and the ticketing agents of the City of New York on the implementation of the Parking Programme. He also noted that 45.5 per cent of missions felt that illegally parked diplomatic vehicles were treated worse than illegally parked non-diplomatic vehicles. He welcomed the finding that while an average of 9.2 tickets had been contested each month since the last review of the Parking Programme in April 2004, on average, 6.3 tickets were dismissed as a result. This should, in his view, be taken as a positive result. Finally, he noted that more than 120 missions had not responded to the survey. Their lack of response should not, however, automatically be taken to mean that they were satisfied with the implementation of the Parking Programme.

10. The representative of the Libyan Arab Jamahiriya agreed with the points made by the representative of Mali. The absence of a response did not necessarily lead to the conclusion that the implementation of the Parking Programme was perceived as successful. He pointed out two problem areas. First, the practice of the police not to take action against unauthorized vehicles equipped with a disability permit parked in diplomatic parking spaces. Second, when deciding on whether to issue a ticket, the police should give proper consideration to whether a driver remained in the vehicle or not. He referred to a recent incident where he had been given a ticket while dropping his children off at school although he had remained in his vehicle.

11. The representative of the Russian Federation expressed his gratitude for the initiative and work done on the survey and noted that the number of respondents was larger than for the first review. The responses to the survey showed the growing concerns of missions to the issue of parking. In that regard, he recalled that the proper implementation of the Parking Programme was not governed solely by the rules and regulations of the host country but also international law such as the Convention on the Privileges and Immunities of the United Nations, the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations and the Vienna Convention on Diplomatic Relations. There was no question that diplomats should respect the laws of the host country. At the same time, however, the host country was obliged to provide the necessary support to the missions, to ensure respect for their privileges and

immunities and to provide the necessary security. With that in mind, the representative of the Russian Federation expressed concern that nearly 50 per cent of the respondents still felt that diplomatic vehicles were treated worse than non diplomatic vehicles. Although the survey was a first step in improving the implementation of the Parking Programme, further action was required. The report to the General Assembly should take into account the statements made during the entire course of meetings of the Committee on Relations with the Host Country on this matter.

12. The representative of Cuba expressed her Mission's view that Member States were still facing considerable difficulty with the implementation of the Parking Programme and that the host country had to put more effort into solving these difficulties. She felt that this was particularly reflected in the results of the questionnaire, which show that 71.2 per cent of respondents felt that there remained a difference in understanding between the members of the missions and the ticketing agents when a parking ticket was issued. She agreed that the large number of abstentions must be taken into account and believed that some missions had not answered the questionnaire owing to a lack of trust.

13. The representative of Malaysia felt that the number of respondents to the survey meant that there was no clear basis upon which the Committee could reach a concrete conclusion on the survey results. He felt that the results should be viewed in an objective manner. There was always room for improvement and the responsibility for achieving that fell on both sides. He thought that regular briefing sessions on the Parking Programme would be helpful in that regard.

14. The representative of the host country expressed appreciation to the 66 missions that had responded to the survey, saying that it was only with such feedback that the host country could address the issues raised with the relevant authorities. In that respect, he was disappointed that 126 missions had not responded. This suggested that the 126 missions had either not encountered any problems with the Parking Programme or that the problems were not frequent or serious enough to warrant a response to the survey. He also noted that many of the problems cited in the responses received could be attributed to general traffic problems in New York and did not come under the purview of the Parking Programme.

15. The observer of Qatar expressed his dissatisfaction with the implementation of the Parking Programme. He raised one issue concerning the fact that the decals were stickers that could not be transferred from one official vehicle to another. As a result, the mission could not be flexible with the tasking of its diplomatic vehicles.

16. The Chairman responded that as the agenda item was to discuss the survey on the implementation of the Parking Programme, it was his suggestion not to discuss proposals to change the Parking Programme itself. However, he took note of the suggestion made.

17. The New York City Commissioner for the United Nations, Consular Corps and Protocol, Marjorie Tiven, thanked the Secretariat for conducting the survey. Overall, she had been pleased to see that most of the respondents appeared satisfied with the improvements to the Parking Programme. More than half found it easier to park now than before the start of the Programme in 2002. She stressed that if 126 Member States had chosen not to reply to the survey, one could not conclude that they

necessarily had a problem with the Programme. She announced that two initiatives had been taken to enforce action against unauthorized vehicles. First, a new telephone line had been established which was available 24 hours a day, 7 days a week, for diplomats to address their parking problems: 718-383-7596. In addition, diplomats could continue to call the Traffic Management Center of the New York Police Department regarding parking problems. Second, since October 2006, the police had proactively ticketed and towed unauthorized vehicles parked in spots for diplomats, even before diplomats could file any complaints. When requested by the missions, the City of New York had successfully intervened in 88 per cent of the cases. Between October 2006 and January 2007, 2,400 civilian vehicles had been summoned and 79 towed. The main problem that often occurred pertained to unauthorized vehicles belonging to other diplomats, which could not be towed. With regard to the statement that the privileges of diplomats had to be fully respected, she pointed out that civilian vehicles received seven times more summonses than those of diplomats. Concerning the appeals procedure, she noted that decisions only took an average of 3.3 business days. She also added that the traffic police received ongoing training regarding the Parking Programme, especially on matters relating to privileges and immunities.

18. The Chairman thanked the host city for the new measures announced to improve implementation of the Parking Programme. The Committee recognized the sincere efforts by the City and extended its gratitude to the various authorities involved in assisting the diplomatic community in New York. In this regard, the Chairman recognized the difficulties involved in managing the issues involved and noted that it was easy to lose sight of the tremendous effort expended by the host city to support the work of the large diplomatic community in New York.

19. In summing up, the Chairman made the following statement on behalf of the Bureau on the review that had been conducted:

> The Committee thanks the Secretariat for its work on the second review of the implementation of the Parking Programme and the Member States that participated in the review. The Committee takes note of the results of the review and the comments thereon by representatives of the host country and the City of New York to consider the results of the review and statements made by the delegations here and to identify ways in which the implementation of the Parking Programme could be improved. In this regard, the Committee notes with appreciation the statement made by the host country and the City of New York and the actions they intend to take following the results of the review and the discussions during the meeting. The Committee will continue to be seized of this matter.

20. The representative of the Russian Federation sought to clarify that the usual practice of the Committee was to offer recommendations later in the year to the General Assembly. In the meantime, the host country could continue to improve the situation regarding the Parking Programme. He queried whether the Bureau of the Committee intended to circulate a document containing the results of the survey. He felt that the survey results should be conveyed to all missions in New York for their consideration and feedback to the Secretary of the Committee, which could be considered at a future session of the Committee before final recommendations were made.

21. The Chairman explained that the observations he had made would be included in the report to the General Assembly but that did not preclude further comments that could be included in the same report. Naturally, any further comments and observations would be added to the report. He also agreed that, in the meantime, all permanent missions in New York should be offered an opportunity to provide their comments on the survey results.

22. The observer of Jamaica expressed her appreciation for the steps taken by the host city in improving the implementation of the Parking Programme. However, she wished to raise a problem her Mission had with a parking ticket issued against the name of an official in the Mission for a violation that was said to have occurred well before the official had joined the Mission in New York. Contacts with the local authorities had so far not been fruitful and a second fine for non-payment had been issued. It was a difficult burden to prove that the official was not in the country when the violation was alleged to have occurred. She also noted that non-diplomatic vehicles continued to park in diplomatic parking spaces without being ticketed. At the same time, diplomatic vehicles parked in diplomatic spaces were being ticketed.

23. At the 233rd meeting, the Chairman informed the Committee that, to date, the Secretary of the Committee had received no comments from Member States on the survey results which he had brought to their attention, as decided by the Committee at its previous meeting.

B. Acceleration of immigration and customs procedures

24. At the 233rd meeting, the observer of Indonesia expressed concern that there were an increasing number of incidents where members of his Mission had been subject to particular scrutiny, including body searches, at United States airports. He fully appreciated and supported the need for adequate security measures for safety purposes. He was concerned, however, that certain members of his Mission were subject to the same close scrutiny every time they travelled. Such intensive searches should be conducted on a random basis. He requested the host country to advise the airlines to treat members of diplomatic missions in a fair manner, consistent with their status in the host country. He expressed his appreciation for the host country's quick response in resolving a problem that members of his Mission had experienced in dealing with immigration officers, and suggested that a harmonized procedure covering the airlines and immigration officers be developed that met the needs of all concerned.

25. The observer of the Syrian Arab Republic expressed grave concern for the adverse treatment received by diplomats at the airports in New York, instances of which were increasing and not decreasing in frequency. He wished to draw the attention of the host country and the Committee to discriminatory and degrading treatment to which his family had recently been subjected at John F. Kennedy Airport. Without any prior explanation, his wife and two children had been publicly called by name after having boarded the aircraft and subjected to physical inspection. The experience had scared his family and other passengers and delayed the flight. Upon arrival in Damascus, his family found that some of their luggage was missing and only arrived 10 days later. In addition, some pieces of luggage had been intentionally damaged, with the contents torn with a sharp instrument and stained with an unknown chemical. His delegation had informed the United States

Mission and the Committee of the incident and a protest had been lodged with the Government of the United States through the Ministry of Foreign Affairs in Damascus. The Ministry had accepted the apology made by the United States Embassy in Damascus. The incident demonstrated ignorance of the principle of diplomatic privileges and immunities, which he hoped would be corrected and never repeated.

26. The observer of India suggested that the host country send a reminder to all security and immigration officials regarding the privileges and immunities enjoyed by diplomats and their families. The observer of the Bolivarian Republic of Venezuela expressed his regret at the incident and recalled the treatment his Minister for Foreign Affairs had received when he had been detained briefly on 23 September 2006. He reiterated his request that the host country issue precise instructions to its authorities on the proper treatment of diplomats. The representatives of Cuba and the Russian Federation and the observer of the Islamic Republic of Iran concurred with the opinion expressed by the observer of India on the need to train the authorities to comply with the privileges and immunities enjoyed by diplomats as they passed through immigration at the airports.

27. The representative of the host country stated that the incidents described by the observer of Indonesia had been investigated and he believed that a solution had been found. As the incidents related to a personal situation, he intended to take up the matter directly with the Indonesian Mission. He next expressed his country's regret and offered his personal apologies to the observer of the Syrian Arab Republic for the incident that had occurred with his wife and children. While the United States Department of State was still unable to confirm the specific details and responsibility of those involved, the investigation into the matter would continue. He requested the observer of the Syrian Arab Republic to provide any additional information regarding the types of uniforms worn by the officials who had conducted the search as well as regarding the damage to the luggage as this would help the Department of State get to the bottom of the very unfortunate and disturbing incident. He informed the Committee that the Transportation Security Administration of the Department of Homeland Security had been requested and had agreed to remind airport security personnel of the special courtesies to be accorded diplomatic travellers.

28. The representative of the host country announced that within a few days the United States Mission would circulate a diplomatic note setting forth Transport and Security Administration security screening procedures and noting that personnel of the Transport and Security Administration at the airports would be advised on the proper treatment of persons with diplomatic credentials. Should a diplomat be selected for secondary screening by the airline and issued a boarding pass marked to reflect that selection, he or she should present to the Transport Security Administration authorities at the entrance to the screening area his or her boarding pass together with a valid diplomatic passport and a blue-bordered identification card issued by the United States Department of State indicating accreditation to the United Nations, explain his or her status and request to speak to a Transport Security Administration supervisor. The Transport Security Administration assured the United States Department of State that a reminder would be issued to screening staff at New York-area airports to help ensure that the procedures were known and carried out.

29. The observer of the Syrian Arab Republic thanked the representative of the host country for his personal apology, which he was pleased to accept. He would contact Damascus to see what additional information was available regarding the damage to the luggage and the identity of the persons who had conducted the search on the aircraft and provide them to the United States Mission.

30. The Chairman expressed the Committee's gratitude to the host country for the new training initiative and in particular for the measures taken by the host country to assist diplomats with regard to special secondary screening procedures, which would help smooth the entry and exit of diplomats to and from New York. He appreciated the logistical difficulties experienced by the host country authorities in facilitating the large diplomatic community in New York.

31. The representative of Mali also expressed his appreciation for the new initiative and measures taken by the United States. The representative of China welcomed the new initiative announced by the representative of the host country.

32. The representative of Cuba sought clarification from the representative of the host country on how the new initiative would be implemented. She noted that not all diplomats, such as temporary diplomatic visitors, carried identification issued by the United States Department of State.

33. The representative of the host country explained that the focus of the initiative was to ensure that diplomatic staff accredited to the United Nations were provided with a means to request that special procedures be applied when they were selected for secondary screening, and that was what the procedures sought to achieve. He stated that the programme could soon be implemented nationally.

34. At the 234th meeting, the observer of the Sudan expressed appreciation for the hard work of the Chairman and the Committee in seeking to accommodate the needs of the diplomatic community. He conveyed his concerns regarding an incident on 15 September 2007, where his Minister for Foreign Affairs had been held without explanation by the authorities of the host country for half an hour in a private room at John F. Kennedy Airport. The observer of the Sudan stated that the host country officials had been notified of the Minister's arrival. He observed that the treatment received by his Minister did not comply with the respect deserved by a Minister for Foreign Affairs and diplomats in general. He emphasized that the host country authorities should know their obligations in such cases and should respect them.

35. The representative of the host country indicated that the incident had not been brought to the attention of his Mission. He noted that it spoke well for the host country that only one complaint had been raised following the previous two intensive weeks during which numerous heads of State, ministers and their entourages had arrived in connection with the opening of the General Assembly session. He wished that the observer of the Sudan had brought the matter to his Mission's attention earlier or right after the incident, which would have made the investigation into this matter easier. The representative of the host country assured the observer of the Sudan that an investigation would be conducted to look into what had occurred and to prevent a repetition of such an incident in the future.

36. The representative of the Libyan Arab Jamahiriya expressed his gratitude to the Chairman and the Committee for their assistance in facilitating relations with the host country. He thought that the incident referred to by the observer of the Sudan could have been prevented through better coordination. In this connection, he

expressed his gratitude to the host country for the assistance provided to the Libyan delegation on its arrival to participate in the General Assembly. The representative of the host country thanked the representative of the Libyan Arab Jamahiriya for the kind acknowledgment of the assistance the host country had been able to provide.

C. Entry visas issued by the host country

37. At the 232nd meeting, the observer of Belarus expressed his gratitude to the host country for addressing the serious concerns he had raised in previous meetings about passport control at John F. Kennedy Airport. Procedures were now in place to provide for swift processing of a high-level delegation from Belarus with the appropriate diplomatic etiquette.

38. The observer of the Islamic Republic of Iran expressed his profound concern regarding the recent failure by the host country to issue visas to Iranian delegations seeking to participate in the Intergovernmental Preparatory Meeting of the Commission on Sustainable Development and the Commission on the Status of Women, despite the applications having been made in a proper and timely manner, which was in contravention of the Headquarters Agreement.

39. The representative of the host country expressed surprise as he had been unaware that any Iranian officials had been denied visas to attend those two meetings. The denial of a visa would require a decision at the highest level of the Department of State. He wished that the representative of the Islamic Republic of Iran had contacted him earlier and suggested that the Iranian delegate speak to him after the meeting to discuss the matter.

40. At the 233rd meeting, the observer of the Sudan reported that the Minister of Environment and Urban Development and the head of the Sudanese delegation to the fifteenth session of the Commission on Sustainable Development from 30 April to 11 May 2007 had been denied a visa. This had clearly impacted his delegation's ability to participate fully in the work of the Commission. He reminded the host country of its obligation under the Headquarters Agreement to ensure that visas be issued as speedily as possible. He recalled that it was an obligation and not a favour to be extended by the host country. The representative of Cuba regretted the incident experienced by the Sudanese Minister of Environment and noted that a visa had also been denied to a representative of the National Union of Writers and Artists of Cuba, a non-governmental organization with consultative status with the Economic and Social Council, to attend the fifty-first session of the Commission on the Status of Women from 26 February to 9 March 2007. She noted that the Cuban Mission had been blamed by the host country for not providing the necessary information in a timely manner, although it had been the mistake of the host country. The observer of the Islamic Republic of Iran also noted that a visa had been denied to a member of his delegation attending the fifty-first session of the Commission on the Status of Women. In addition, officials had been prevented from attending disarmament meetings. He also wished to note that there had been delays in issuing entry visas to personnel assigned to the Permanent Mission as well their families, in some cases it took more than four months to obtain a visa. Effective measures needed to be taken to ensure that representatives of Member States were able to attend meetings on time and without restrictions.

41. The representative of the Russian Federation stated that his Mission also periodically faced difficulties with the issuance of visas, where the host country would repeatedly refer to a requirement that visa applications be made 15 days prior to travel. It was not always possible to do so as some meetings were called at short notice. A recent incident involved a Russian expert who had planned to attend the Permanent Forum on Indigenous Issues but was forced to arrive late owing to a delay in the issuance of his visa by the host country. The representative of the Russian Federation expressed his appreciation to the Host Country Section of the United States Mission for its assistance in resolving visa issues encountered by his delegation. However, he also expected the host country to implement a visa mechanism that worked smoothly and without cumbersome delays. The observer of Indonesia noted that officials of the Government of Indonesia had also faced delays in receiving visas. The observer of the Bolivarian Republic of Venezuela stated that his delegation had also experienced problems with visas, most recently when his President came to attend the General Assembly. He hoped that such problems would not occur again, and urged the host country to ensure that measures were in place prior to the next session of the General Assembly.

42. The Chairman expressed his regret that such problems had occurred. He recalled that the main purpose of the Committee was to hear and hopefully resolve such matters. He urged Member States to inform him and the representatives of the host country as soon as difficulties occurred. In his experience, the host country representatives were very diligent and did their utmost to help resolve such problems.

43. In response, the representative of the United States urged delegations experiencing visa problems to immediately bring them to the attention of his Mission. He had only learned the previous Thursday of the problems reported by the observer of the Sudan on obtaining a visa for the Sudanese Minister. He found it regrettable that inflammatory statements had been made in this case for political reasons when the necessary information had been provided to his Mission long after the event. He noted that the visa had not been denied as such, the application had not included a name and thus could not be acted upon. A visa denial must be approved at the highest level of the State Department. The Secretary-General would also be informed and the matter would be brought to the immediate attention of the mission concerned. He informed the observer of the Sudan that the Deputy Chief of the United States Mission in Khartoum had suggested that the Ministry of Foreign Affairs contact him directly if such problems arose. The observer of the Sudan thanked the representative of the host country for the information and assured him that next time his Mission would coordinate more closely with the host country in such matters.

D. Host country travel regulations

44. At the 233rd meeting, the representative of Cuba referred generally to travel restrictions and, in his capacity as the Chairperson of the Coordinating Bureau of the Movement of Non-Aligned Countries, and on behalf of the 118 members of the Movement, expressed their deep concern regarding travel restrictions imposed by the host country on the staff of certain permanent missions to the United Nations and officials of certain nationalities, including from States members of the Movement. Such restrictions impede the participation of those missions in United

Nations-related multilateral events, even those organized by other permanent missions to debate agenda items relating to the Movement when such events are held beyond the 25 mile radius. Recently, the United States Mission had denied a request by two members of the Cuban Mission to travel beyond the 25-mile radius to attend an informal intersessional meeting of the Special Working Group on the Crime of Aggression of the Assembly of States Parties to the Rome Statute of the International Criminal Court hosted by Princeton University. The representative of Cuba stated that the host country's policy of restricting the movement of Cuban diplomats and international officials was unjust, selective, discriminatory and politically motivated.

45. The representative of the Russian Federation noted that his delegation had on more than one occasion questioned the limitation of movement placed by the host country on members of selected permanent missions, including his own, as well as of Russian nationals working in the Secretariat. He considered this to be a discriminatory policy and noted that the host country had an obligation to create favourable working conditions for the missions in New York.

46. In response to the concerns raised by the representatives of Cuba and the Russian Federation, the representative of the host country reiterated that all travel requests were considered in a careful manner and on an individual basis. The United States regarded its obligations as the host country very seriously but recalled that such obligations arose only in respect of official United Nations meetings. As the meeting in question was not an official United Nations meeting, the United States was not obliged to grant permission for members of the Cuban Mission to attend the meeting and had chosen not to extend that courtesy.

47. The representative of Cuba responded that it should not be for the host country authorities to decide who could attend meetings of the United Nations. That was a right that every diplomat accredited to the United Nations should be able to enjoy equally. The observer of the Islamic Republic of Iran stated that the host country had also denied permission for a member of his Mission to travel to the same meeting. He stated that the refusal to grant travel permissions to Iranian diplomats to attend meetings that were related to the United Nations or its agenda items and/or organized by missions accredited to it, that were held outside of the 25-mile radius from Columbus Circle, had placed the Iranian diplomats and representatives in a disadvantageous position as regarded their participation in United Nations meetings and activities, and regarded such practice to be unjust, discriminatory and in contravention of the host country's obligations. The observer of the Islamic Republic of Iran concurred with the views expressed by the representatives of Cuba and the Russian Federation on this matter. The observer of the Bolivarian Republic of Venezuela also concurred with the views expressed by the Islamic Republic of Iran and Cuba.

48. The representative of the host country reiterated the view of the United States that it had met its obligation under the Headquarters Agreement to permit free transit to and from the Headquarters district.

E. Other matters

49. At the 232nd meeting, under "Other matters", the observer of Germany spoke on behalf of the European Union and expressed concern regarding the

implementation of the "Settlement Initiative for Employees of Foreign Embassies, Foreign Consular Offices and International Organizations in the United States" recently announced by the United States Internal Revenue Service for United States citizens and permanent residents working for missions. There was considerable confusion among the staff affected at the missions on what their tax obligations were, and the deadline established by the Internal Revenue Service, 31 March 2007, to apply for amnesty, was not sufficient, given the short notice provided. Accordingly, he proposed that the deadline for participation in the Settlement Initiative be extended to 30 June. While the Committee might not be the proper forum to discuss the issue, he appealed to the host country to assist in clarifying the matter.

50. The representative of Spain agreed with the statement of the observer of Germany speaking on behalf of the European Union. He noted that the situation of each worker could be different depending on the nationality of the worker and the bilateral agreements in place on taxation. His Mission had not received any notification from the Internal Revenue Service. He had only become aware of the problem when the trade unions of the Spanish Civil Service had called for a strike in all offices of the Spanish State in the United States from 12 to 14 February 2007.

51. The observers of Qatar and Indonesia stated that the Settlement Initiative would have a large impact on the permanent missions in New York and therefore further discussions on this issue were warranted with all members of the United Nations.

52. The representative of the host country stated that he did not believe the matter was a diplomatic issue and therefore not an issue for debate in the Committee. The issue concerned the taxation of American citizens and green card holders. He could inform the Committee, however, that as the matter had not been brought to the attention of the permanent missions in New York on a timely basis, the 30 March deadline would be changed so that individuals in New York could properly take advantage of the Settlement Initiative. He stated that he was not in a position to say anything more, or organize a formal briefing on the matter. However, he would take the concerns expressed to his capital and noted that the issue had already been brought to the personal attention of the Secretary of State, who intended to take it up with the Secretary of the Treasury. Subsequently, the New York Regional Office of the United States Office of Foreign Missions arranged for an informal briefing on the Settlement Initiative under the auspices of the Committee on 20 March 2007 by officials of the United States Internal Revenue Service to all permanent missions.

53. The representative of Côte d'Ivoire thanked the City of New York for the quick support and assistance it had provided when the Mission experienced a fire as well as in helping it settle a legal matter.

54. At the 233rd meeting, under other matters, the observer of Indonesia sought information from the host country and representatives of the host city about the "congestion tax" plan recently announced by the Mayor and whether it was intended to apply to the diplomatic community. He was concerned about the impact it would have on the functioning of his Mission if Mission staff were subject to such fees. The representatives of Malaysia and the Russian Federation concurred with the concerns of the observer of Indonesia.

55. In response, the representative of the host country clarified that the actual wording was "congestion pricing", which was an important difference. He felt that it was too early to discuss the matter as it was unclear whether the plan, which had yet to be finalized, would receive approval in Albany.

56. Also under other matters, the observer of India referred to the recent Supreme Court decision on the question of immunity from jurisdiction of New York courts of diplomatic property in New York in a case between his country, Mongolia and the City of New York. He wished to discuss with the host country the position that the Government would take on the matter. However, he did not expect an immediate answer and would be happy to discuss the matter in due course with the United States Mission.

57. The Chairman noted that the Supreme Court case and the question of taxation of the properties of missions was one of great interest and concern for the entire diplomatic community in New York. While it appeared the matter was not ripe for discussion at present, it could be considered by the Committee in the future when it was appropriate to do so.

58. The Chairman informed the Committee that the Bureau had recently had the opportunity to meet with the New York Commissioner for the United Nations, Consular Corps and Protocol, Marjorie Tiven, and the New York City Deputy Commissioner, Bradford E. Billet. They had briefed the Bureau at a meeting on 28 June 2007 on the concerns that the City had raised with the Secretariat with respect to certain aspects of the safety and security of the Headquarters district. The Chairman explained that while the Secretariat had managed to address many of the issues identified by the City, some issues remained outstanding, pending the conclusion of contractual arrangements and other negotiations to ensure that its actions were taken in a manner consistent with the status of the Organization. He understood that some issues could only be properly dealt with through the implementation of the capital master plan and informed the Committee that he would continue to work with the Secretariat and the host city to facilitate progress on these very important matters.

59. At the 234th meeting, the Chairman referred to his briefing to the Committee at its 233rd meeting on the concerns the City had raised with the Secretariat with respect to certain aspects of the safety and security of the Headquarters district and in which he had informed the Committee of his intention to remain engaged in the matter to facilitate progress in resolving these very important issues and keep the Committee appraised of developments. Accordingly, he informed the Committee that on 10 September he had met with the Secretary-General to convey the content of his exchanges with the City of New York and the latter's concerns as expressed to him and to the Bureau about the United Nations level of compliance with the host city's fire regulations. He stressed that the mandate given to him by the Committee was to transmit the concerns of the Member States and their interest to have this matter of utmost importance for all resolved as speedily as possible and had added that it was important to find a practical way to assure compliance with the relevant safety and security standards while respecting the sensitivity and the special status of the United Nations. The Chairman stated that the Secretary-General had informed him that safety and security were issues of priority to the Organization and that interim measures, though not always totally satisfactory, were being put in place. The Secretary-General noted that there were practical limitations on what could be

achieved in the near term due to the capital master plan and the expenditures approved to complete it. The Secretary-General assured him that safety and security would be ensured to the maximum degree possible and requested him to convey to the Committee and the City that the Secretariat was doing everything it could to address the concerns raised.

60. The observer of Italy referred to a letter his Mission had recently received from the authorities of New York State notifying the Mission of changes to New York State laws on the taxation of gasoline and other petroleum products. This affected the procedure to be followed by diplomats to claim exemption from tax when purchasing such products. As he understood it, diplomatic missions would not be able to claim tax exemption when using credit cards issued by oil companies. This created serious difficulties for his Mission and most likely for the other missions in New York as well. He hoped the host country would be able to clarify this matter and explain the new procedures.

61. The representative of the host country responded to the observer of Italy that the Office of Foreign Missions in Washington, D.C., was aware of the matter and was working on the problem, which was restricted to New York. He suggested that, in the meantime, missions should keep their gasoline and diesel fuel receipts in case they could file for reimbursement once the procedures had been settled. He also suggested that concerned delegations discuss the matter with the Director of the Office of Foreign Missions' New York Regional Office who was present after the meeting had adjourned.

Chapter IV
Recommendations and conclusions

62. **At its 235th meeting, on 31 October 2007, the Committee approved the following recommendations and conclusions:**

(a) **The Committee reaffirms the Headquarters Agreement and the provisions of the 1961 Vienna Convention on Diplomatic Relations and the 1946 Convention on the Privileges and Immunities of the United Nations;**

(b) **Considering that the maintenance of appropriate conditions for the delegations and missions accredited to the United Nations is in the interest of the United Nations and all Member States, the Committee appreciates the efforts made by the host country to that end and anticipates that all issues raised at its meetings, including those referred to below, will be duly settled in a spirit of cooperation and in accordance with international law;**

(c) **The Committee notes that the observance of privileges and immunities is an issue of great importance. The Committee emphasizes the need to solve, through negotiations, problems that might arise in this regard for the normal functioning of the delegations and the missions accredited to the United Nations. The Committee urges the host country to continue to take appropriate action, such as training of police, security, customs and border control officers, with a view to maintaining respect for diplomatic privileges and immunities. If violations occur, the Committee urges the host country to ensure that such cases are properly investigated and remedied, in accordance with applicable law;**

(d) **Considering that the security of the missions accredited to the United Nations and the safety of their personnel are indispensable for their effective functioning, the Committee appreciates the efforts made by the host country to this end and anticipates that the host country will continue to take all measures necessary to prevent any interference with the functioning of the missions;**

(e) **The Committee notes the problems experienced by some permanent missions in connection with the implementation of the Parking Programme and shall remain seized of the matter, with a view to continuously ensuring the proper implementation of the Programme in a manner that is fair, non discriminatory, effective and therefore consistent with international law;**

(f) **The Committee welcomes the conduct of the second review of the implementation of the Parking Programme and notes the results thereof, as well as the positions of members of the Committee, and calls upon the host country to address the problems reported by permanent missions in the context of the review;**

(g) **The Committee notes the comments made by the host country with regard to efforts made to improve the implementation of the Parking Programme in general and the comments made by the host country and the City of New York with regard to the outcome of the second review of the implementation of the Parking Programme in particular;**

(h) **The Committee welcomes the exercise of its Chairman's good offices in addressing concerns pertaining to safety and security at the Headquarters District and calls upon the United Nations for the reasonable application of fire**

protection regulations of the appropriate American authorities, including fire protection standards and consistent local codes and fire regulations, in accordance with the Headquarters Agreement and the Convention on the Privileges and Immunities of the United Nations, in order to ensure the safety of all personnel in the Headquarters District, while respecting the status of the Organization;

(i) The Committee requests the host country to continue to bring to the attention of New York City officials reports about other problems experienced by permanent missions or their staff in order to improve the conditions for their functioning and to promote compliance with international norms concerning diplomatic privileges and immunities, and to continue to consult with the Committee on these important issues;

(j) The Committee recalls that, in accordance with paragraph 7 of General Assembly resolution 2819 (XXVI), the Committee shall consider and advise the host country on issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations;

(k) The Committee anticipates that the host country will enhance its efforts to ensure the issuance, in a timely manner, of entry visas to representatives of Member States pursuant to article IV, section 11, of the Headquarters Agreement to travel to New York on official United Nations business, including to attend official United Nations meetings, and notes that a number of delegations have requested shortening the time frame applied by the host country for issuance of entry visas to representatives of Member States, since this time frame poses difficulties for the full-fledged participation of Member States in United Nations meetings; the Committee also anticipates that the host country will enhance efforts to facilitate participation, including visa issuance, of representatives of Member States in other United Nations meetings as appropriate;

(l) Concerning travel regulations issued by the host country with regard to personnel of certain missions and staff members of the Secretariat of certain nationalities, the Committee urges the host country to remove the remaining travel restrictions and, in that regard, notes the positions of the affected Member States as reflected in the report, of the Secretary-General and of the host country;

(m) The Committee stresses the importance of permanent missions, their personnel and Secretariat personnel meeting their financial obligations;

(n) The Committee welcomes the participation of Members of the United Nations that are not members of the Committee in its work. The Committee also welcomes the contribution of the Secretariat in its work and emphasises its importance. The Committee is convinced that its important work has been strengthened by the cooperation of all concerned;

(o) The Committee wishes to reiterate its appreciation to the representative of the United States Mission in charge of host country affairs, to the Host Country Affairs Section of the United States Mission to the United Nations and the Office of Foreign Missions, as well as to those local entities, in particular the New York City Commission for the United Nations, Consular

Corps and Protocol, that participate in its meetings and contribute to its efforts to help accommodate the needs, interests and requirements of the diplomatic community and to promote mutual understanding between the diplomatic community and the people of the City of New York.

Annex I

List of topics for consideration by the Committee

1. Question of the security of missions and the safety of their personnel.
2. Consideration of and recommendations on issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, including:
   (a) Entry visas issued by the host country;
   (b) Acceleration of immigration and customs procedures;
   (c) Exemption from taxes.
3. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues relating thereto.
4. Housing for diplomatic personnel and for Secretariat staff.
5. Question of privileges and immunities:
   (a) Comparative study of privileges and immunities;
   (b) Convention on the Privileges and Immunities of the United Nations and other relevant instruments.
6. Host country activities: activities to assist members of the United Nations community.
7. Transportation: use of motor vehicles, parking and related matters.
8. Insurance, education and health.
9. Public relations of the United Nations community in the host city and the question of encouraging the mass media to publicize the functions and status of permanent missions to the United Nations.
10. Consideration and adoption of the report of the Committee to the General Assembly.

Annex II

List of documents

A/AC.154/372	Letter dated 10 May 2007 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee
A/AC.154/373	Letter dated 11 June 2007 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee
A/AC.154/374	Letter dated 15 June 2007 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee
A/AC.154/375	Letter dated 13 June 2007 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee
A/AC.154/376	Note verbale dated 29 June 2007 from the Permanent Mission of the Sudan to the United Nations addressed to the Chairman of the Committee
A/AC.154/377	Letter dated 5 July 2007 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Chairman of the Committee
A/AC.154/378	Note verbale dated 5 July 2007 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee
A/AC.154/379	Letter dated 11 July 2007 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee
A/AC.154/380	Note verbale dated 13 July 2007 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee
A/AC.154/381	Letter dated 23 July 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Chairman of the Committee
A/AC/154/382	Letter dated 25 July 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Chairman of the Committee
A/AC.154/383	Letter dated 10 August 2007 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee
A/AC.154/384	Letter dated 7 September 2007 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee

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General Assembly
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Sixty-second Session
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Report of the Committee on Relations with the Host Country

Corrigendum

1. Paragraph 28, first sentence

For Transport and Security Administration *read* Transportation Security Administration

2. Paragraph 28, second and third sentences

For Transport Security Administration *read* Transportation Security Administration.

3. Paragraph 62 (n)

The paragraph *should read*

(n) The Committee welcomes the participation of Members of the United Nations that are not members of the Committee in its work and emphasizes its importance. The Committee also welcomes the contribution of the Secretariat in its work. The Committee is convinced that its important work has been strengthened by the cooperation of all concerned;

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